

June 12, 2019

Mr. Henry Leskinen
Eco-Science Professionals Inc.
P O Box 5006
Glen Arm MD 21057

Re: Satyr Hill Apartments Clubhouse/Community Building
Lowell Ridge Rd. 21234
Forest Conservation Variance
Tracking # 05-19-3018

Dear Mr. Leskinen:

A request for a variance from the Baltimore County Forest Conservation Law was received by the Department of Environmental Protection and Sustainability (EPS) on May 31, 2019. The request proposes to base the forest conservation requirements for the referenced project on the 0.11-acre limits of disturbance rather than the entire 9.6-acre site. The proposed development project involves construction of a clubhouse/community building, and an addition to the existing building adjacent to the pool. This apartment complex existed with the pool complex uses prior to the forest conservation law. No streams, wetlands, forest buffers, forest areas, or specimen trees are proposed to be impacted.

The Director of EPS may grant a special variance to the Forest Conservation Law in accordance with criteria outlined in Section 33-6-116(d)(1) of the Code. There are six (6) criteria listed in Subsection 33-6-116(d) and (e) that shall be used to evaluate the variance request. One (1) of the criteria under Subsection 33-6-116(d) must be met, and all three (3) of the criteria under Subsection 33-6-116(e) must be met, in order to approve the variance.

The first criterion (Subsection 33-6-116 (d)(1) of the Code) requires that the petitioner show that the land in question cannot yield a reasonable return if the requirement from which the special variance is requested is imposed and will deprive the petitioner of all beneficial use of his property. This apartment community and the pool complex area was developed prior to the forest conservation law, but application of the law to the entire property would not result in unwarranted hardship to the applicant as the proposed development could be completed if required to comply with the law for the entire property. In addition, beneficial use of the property would remain without the development. Therefore, denying this variance request would not deprive the applicant of a reasonable use of the property and this criterion is not met.

The second criterion (Subsection 33-6-116 (d)(2) of the Code) requires that the petitioner show that his/her plight is due to unique circumstances and not the general conditions in the neighborhood. This request is based on unique conditions related to this existing apartment community with the need

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to improve the uses of the property with the construction of a clubhouse/community building and an addition to the existing building adjacent to the pool. The development is not related to general conditions of the neighborhood. Therefore, this criterion is met.

The third criterion (Subsection 33-6-116 (d)(3) of the Code) requires that the petitioner show that the special variance requested will not alter the essential character of the neighborhood. This apartment community is located north of a shopping center, west of multiple apartment communities, and south and east of single family dwellings. The apartments and the pool complex have existed for more than 30 years. There will be no change in the uses or the essential character of the neighborhood as a result of the development. The development is proposed to improve the apartment community for the tenants. Therefore, the proposed uses would be compatible with the neighborhood, and this criterion is met.

The fourth criterion (Subsection 33-6-116 (e)(1) of the Code) requires that the granting of the special variance will not adversely affect water quality. There are no proposed impacts to streams, wetlands, forest buffers, forest areas, or specimen trees. Also, the project must meet stormwater management requirements. Therefore, granting of the special variance will not adversely affect water quality and this criterion is met.

The fifth criterion (Subsection 33-6-116 (e)(2) of the Code) requires that the special variance request does not arise from a condition or circumstance which is the result of actions taken by the petitioner. No actions have occurred on the property that would have required this variance request. Therefore, this criterion is met.

The sixth criterion (Subsection 33-6-116 (e)(3) of the Code) requires that the Director of EPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33 of the Baltimore County Code. Allowing the forest conservation obligation to be based on the limit of disturbance for the construction of a clubhouse/community building, and an addition to the existing building adjacent to the pool would be consistent with the spirit and intent of the Forest Conservation Law. This is especially true given that no impacts to forest or adverse impacts to water quality would result from the proposed development, and the current uses existed prior to the forest conservation law. Therefore, this criterion is met.

Based on our review, this Department finds that the required criteria have been met. Therefore, the requested variance is hereby approved, in accordance with Section 33-6-116 of the Baltimore County Code, with the following conditions:

1. A note must be shown on all plans stating: "A forest conservation variance was granted by the Baltimore County Department of Environmental Protection and Sustainability on June 12, 2019 to allow the forest conservation requirements for this project to be based on the limits of disturbance rather than the entire site acreage. Conditions were placed on this approval to ensure the project met the goals and objectives of the Forest Conservation Law."

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2. A forest conservation plan (FCP), including a forest conservation worksheet, must be submitted, and approved by EPS prior to issuance of any permits.
3. This variance is for this activity only and does not exempt future development at this site from the Baltimore County Forest Conservation Law.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and an amended variance request.

Please have the property owner sign the statement at the end of this letter and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Paul Dennis at (410) 887-3980.

Sincerely yours,

David V. Lykens
Director

DVL/pad

c: Marian Honeczy MDDNR

I/we agree to the above conditions to bring my/our property into compliance with Baltimore County Forest Conservation Law.

Property Owner(s) Signature(s)

Date

Printed Name(s)